

United States Bankruptcy Court
District of New Jersey
Mitchell H. Cohen U.S. Courthouse
P.O. Box 2067
Camden, New Jersey 08101

JUDITH H. WIZMUR
Chief, U.S. Bankruptcy Judge

(856) 757-5126

July 28, 2010

Kathleen S. Allen
Citicorp North America, Inc.
3800 Citigroup Center Drive
G3-13
Tampa, Florida 33610

Re: In re Various Motions to Recover Unclaimed Funds
See Exhibit A for list of cases

LETTER OPINION

Dear Ms. Allen:

I am in receipt of your letter, dated November 30, 2009 and filed with the court on December 2, 2009, enclosing motions to be filed in ninety-nine (99) separate cases, each seeking to withdraw funds from the bankruptcy court registry on behalf of various Citigroup/Citicorp subsidiaries. Attached as Exhibit A to this letter opinion is a list of the affected cases. Because this request has not been filed by a New Jersey attorney representing the Citigroup/Citicorp subsidiaries, I must deny your request.

Under New Jersey law, a corporation is prohibited from practicing law and is not permitted to appear before a court to pursue its own motion. See Elizabeth Teachers Union, AFT Local 733 v. Elizabeth Bd. of Educ., Civ. A. No. 90-3343, 1990 WL 174654, *5 (D.N.J. Nov. 8, 1990) ("Corporations may not practice law in New Jersey."). A corporation can only appear before the court on a motion where it is represented by appropriately licensed legal counsel. Id.

The requirement of legal counsel to represent a corporation in court is not altered by Fed.R.Bank.P. 9010(a), which provides:

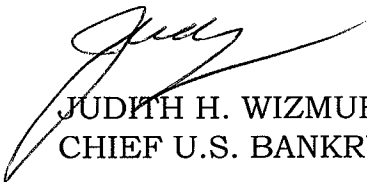
(a) Authority to act personally or by attorney.

A debtor, creditor, equity security holder, indenture trustee, committee or other party may (1) appear in a case under the Code and act either in the entity's own behalf or by an attorney authorized to practice in the court, and (2) perform any act not constituting the practice of law, by an authorized agent, attorney in fact, or proxy.

The Advisory Committee Notes confirm that Rule 9010 does not “change prior holdings prohibiting a corporation from appearing pro se.” Adv. Comm. Note (1983). See In re Dunklin, No. 04-41631, 2006 WL 2806234 (Bankr. D.N.J. Sept. 27, 2006) (Rule 9010 draws a distinction between administrative and legal functions). However, you must also be a licensed attorney in order to represent the corporation in federal court. See, e.g., Van De Berg v. C.I.R., 175 Fed. Appx. 539, 541 (3d Cir. 2006) (a pro se party may not represent a corporation in federal court); Hernandez v. Cullison, No. 05-3038, 2006 WL 1804579, *6 (D.N.J. June 26, 2006) (“The rules governing the practice of law in United States courts make clear that non-lawyers are not permitted to represent parties in federal court.”). The general consensus is that “a non-lawyer's attempt to represent a corporation in federal court constitutes the unauthorized practice of law.” Unalachtigo Band of Nanticoke-Lenni Lenape Nation v. New Jersey, No. 05-5710, 2007 WL 4547501, *3 (D.N.J. Dec. 17, 2007).

For this reason, an order denying each of your motions to withdraw funds from the court registry in the cases identified in Exhibit A to this letter will be entered without prejudice.

Very truly yours,



JUDITH H. WISMUR
CHIEF U.S. BANKRUPTCY JUDGE

JHW:tob

Exhibit A

<u>Case #</u>	<u>Debtor</u>
95-20754	Philip Joyce
96-28932	Frederick G. & Bonnie I. Stoll
96-39897	Todd C. & Kimberly R. Denson
96-41533	Susan Sedlak
97-15852	Karen Thomas
97-29809	Consuella Taylor
97-31971	Lawrence J. & Linda S. Traver
97-39393	Suzanne V. Mullen
97-39886	Kenneth & Elizabeth Reed
97-51154	Kenneth T. & Antoinette Lewis
98-23669	Spinello Construction Co.
98-24333	Anthony J. Giovatto
98-31592	Laraine E. Dunn
98-35899	Johart C. & Yvette S. Romulus
98-36741	Meredith G. Schwoebel
98-37938	John A. & Pauline Wade
98-38211	Peter F. & Diane S. Rickett
98-33057	Thomasena Boozer Burnette
98-31656	Anthony & Clarinda Thorne
98-39043	Jeffrey Allen Goldstein
98-39876	Patricia Wolbert
98-41750	Frank N. Mazzarisi
98-41883	Murad F. Washah
98-52925	Beverly Harding
98-53712	Marjorie Kelly Dunn
98-54971	Joseph & Gail Spalletta
98-61772	Brad A. & Beth D. Tornberg
99-11777	George William & Geraldine D. Donley
99-19143	Gordon G. & Joan F. Koons
99-32343	Darryl & Karen E. Suber
99-35469	Julio A. Pacheco
99-36691	Steven C. Krauer
99-43987	Linda G. Gardin
99-54228	Maria Alicia Hall
99-54363	Joseph L. & Dorothy A. Montanaro
99-54569	Edward Pagodin

<u>Case #</u>	<u>Debtor</u>
99-54814	Robert L. Jones
99-62922	Kwame & Elizabeth Ofori Atta
00-19393	Juanita G. Moss
00-34695	Neal L. & Norada Nerahoo
00-35070	Felicitas B. Cu
00-38951	John T. & Beverly A. Griffith
00-53661	Adelina D. Noveno
00-55762	David Leroy Tyson
00-56271	Eric R. Charf
00-60704	Joyce L. Changary
00-61657	Orest R. Schykerynec
00-62241	Patient Preference Medical Grp., P.A.
01-30065	Luis Cabrera
01-43235	Pedro & Laiza Hernandez
01-50783	Samuel F. & Nancy L. Jones
01-52089	Walter H. & Michele Cramer
01-63328	Rozita Forrester
02-14940	Heather A. Studstill
02-37305	Rulijo M. Guevarra
02-37664	Marilyn Caraballo
02-40127	Brian & Caren Pozniak
02-42130	Elizabeth Guzman
02-44399	Laura A. English
02-54888	Gregory J. & Doris E. Baranyay
02-57202	John F. & Deborah A. Wolfe
03-10024	Philip J. & Kim Thompkins
03-12173	Patricia L. Williams
03-15008	Gail G. Sellers
03-16689	Maria Kirchner
03-19739	Richard & Kim Bowers
03-25976	Edward & Deborah Funston
03-27824	James & Martha Hanhart
03-29336	Vernon A. & Dora A. Underwood
03-31012	David Sainato
03-31533	Mariam Muhana
03-35790	Edna S. McKinney
03-36673	Mary Ann Haley
03-41642	Jose Granda
03-42342	Octavio Camejo

<u>Case #</u>	<u>Debtor</u>
03-43492	Lemuel D. Pierce
03-44299	Daniel & Dorothy Gilmore
03-44432	Debra L. & Brian Belles
03-46206	Anthony T. Sinker
04-11024	Robert Walsh
04-14772	Kenneth T. Stromsland
04-22506	Arlene C. Emralino
04-26464	Barbara Jean Chambers
04-39150	Jerry & Jannette Brunson
04-39681	Donald Walker
04-42101	Maurice & Shantell Hamilton
04-47864	Brian C. Lamb
04-49166	Bruce L. & AnneMarie Lorenzen
04-49222	James & Heather Eble
05-12871	Brenda McDaniel
05-18086	Les & Myong C. Bogert
05-22306	Richard E. Jabbour
05-26917	Stanley & Janet Renee Blanton
05-32614	Angela Joseph
05-46349	John & Donna Bendewald
05-52523	Roger C. Johnson
06-14952	Mark & Donna LaFortezza
06-15448	Adam & Traci Cantin
06-21301	Kim Westergard